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Dated: August 7, 2008

Signature: /Christina M. Sperry/  
(Christina M. Sperry, Reg. No. 47,106)

Docket No.: 101896-0240  
(DEP5278)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Paul Birkmeyer et al.

Application No.: 10/708,721

Confirmation No.: 2720

Filed: March 19, 2004

Art Unit: 3733

For: SPINAL FIXATION ELEMENT AND  
METHODS

Examiner: J. L. Swiger

**RESPONSE TO FINAL OFFICE ACTION**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

**INTRODUCTORY COMMENTS**

This paper is in response to the Office Action dated July 11, 2008.

**Remarks/Arguments** begin on page 2 of this paper. No claim amendments are made.

/James L. Swiger/

09/30/2008